

DRAFT RECODIFICATION

Title 79 RCW PUBLIC LANDS

Chapter 79.64 RCW FUNDS FOR MANAGING AND ADMINISTERING LANDS

PART I State Lands

RCW 79.64.010 Definitions.

~~Unless a different meaning is plainly required by the context, the following words and phrases~~ As hereinafter used in this chapter shall have the following meanings:

- ~~_____ (1) "Account" means the resource management cost account in the state general fund.~~
- ~~_____ (2) "Department" means the department of natural resources.~~
- ~~_____ (3) "Board" means the board of natural resources of the department of natural resources.~~
- ~~_____ (4) "rule" means rule as the same that term is defined by RCW 34.05.010.~~
- ~~(5) The definitions set forth in RCW 79.01.004 79.02.010 shall be applicable.~~
{strikeouts are included in RCW 79.02.010 which applies to all of Title 79}

[1967 ex.s. c 63 § 1; 1961 c 178 § 1.]

RCW 79.64.020 Resource management cost account--Use.

A resource management cost account in the state treasury is ~~hereby~~ created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering public lands and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights of way as authorized under the provisions of this title. Appropriations from the resource management cost account to the department shall be expended for no other purposes. Funds in the resource management cost account may be appropriated or transferred by the legislature for the benefit of all of the trusts from which the funds were derived.

[1993 c 460 § 1; 1985 c 57 § 80; 1981 c 4 § 2; 1961 c 178 § 2.]

Notes:

Effective date--1993 c 460: "This act shall take effect July 1, 1994." [1993 c 460 § 3.]

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--1981 c 4: See note following RCW 28A.515.320.

RCW 79.64.030 Expenditures of certain funds in the resource management cost account to be for trust lands--Use for other lands--Repayment--Ordinary cost not deductible from sale proceeds--Accounting.

Funds in the resource management cost account from the moneys received from leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting school lands, university lands, scientific school lands, normal school lands, capitol building lands, or institutional lands shall be pooled and expended by the department solely for the purpose of defraying the costs and expenses necessarily incurred in managing and administering all of the trust lands enumerated in this section. Such funds may be used for similar costs and expenses in managing and administering other lands managed by the department provided that such expenditures that have been or may be made on such other lands shall be repaid to the resource management cost account together with interest at a rate determined by the board of ~~natural resources~~.

Costs and expenses necessarily incurred in managing and administering agricultural college lands shall not be deducted from proceeds received from the sale of such lands or from the sale of resources that are part of the lands. Costs and expenses incurred in managing and administering agricultural college trust lands shall be funded by appropriation under RCW 79.64.090.

An accounting shall be made annually of the accrued expenditures from the pooled trust funds in the account. In the event the accounting determines that expenditures have been made from moneys received from trust lands for the benefit of other lands, such expenditure shall be considered a debt and an encumbrance against the property benefitted, including ~~property held under chapter 76.12 RCW~~ state forest lands. The results of the accounting shall be reported to the legislature at the next regular session. The state treasurer is authorized, upon request of the department, to transfer funds between the forest development account and the resource management cost account solely for purpose of repaying loans pursuant to this section.

[2001 c 250 § 15; 1999 c 279 § 1; 1993 c 460 § 2; 1988 c 70 § 4; 1977 ex.s. c 159 § 2; 1961 c 178 § 3.]

NOTES:

Effective date -- 1999 c 279: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999." [1999 c 279 § 4.]

Effective date -- 1993 c 460: See note following RCW 79.64.020.

Forest development account: RCW 76.12.110.

RCW 79.64.040 Deductions from proceeds of all transactions authorized--Limitations.

The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the gross proceeds of all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting public lands, provided that no deduction shall be made from the

proceeds from agricultural college lands. Moneys received as deposits from successful bidders, advance payments, and security under RCW ~~79.01.132 and 79.01.204~~ 79.11.150, 79.15.080 and 79.15.100 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section. The deductions authorized under this section shall in no event exceed twenty-five percent of the total sum received by the department in connection with any one transaction pertaining to public lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the total gross proceeds received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

[1999 c 279 § 2; 1981 2nd ex.s. c 4 § 3; 1971 ex.s. c 224 § 2; 1967 ex.s. c 63 § 2; 1961 c 178 § 4.]

Notes:

Effective date--1999 c 279: See note following RCW 79.64.030.

Deductions authorized relating to common school lands--Temporary discontinued deductions for common school construction fund--1983 1st ex.s. c 17: "(1) The deductions authorized in RCW 79.64.040 relating to common school lands may be increased by the board of natural resources to one hundred percent after temporary discontinued deductions result in a transfer to the common school construction fund in the amount of approximately fourteen million dollars or so much thereof as may be necessary to maintain a positive cash balance in the common school construction fund. The increased deductions shall continue until the additional amounts received from the increased rate equal the amounts of the deductions that were discontinued or transferred under subsection (2) of this section. Thereafter the deductions shall be as otherwise provided for in RCW 79.64.040.

(2) If the discontinued deductions will not result in a transfer of fourteen million dollars or so much thereof as may be necessary to maintain a positive balance in the common school construction fund in the biennium ending June 30, 1983, the state treasurer shall transfer the difference from the resource management cost account to the common school construction fund." [1983 1st ex.s. c 17 § 3.]

Severability--1981 2nd ex.s. c 4: See note following RCW 43.85.130.

RCW 79.64.050 Deductions to be paid into resource management cost account.

All deductions from gross proceeds made in accordance with RCW 79.64.040 shall be paid into the resource management cost account and the balance shall be paid into the state treasury to the credit of the fund otherwise entitled to the proceeds.

[1961 c 178 § 5.]

RCW 79.64.060 Rules relating to ~~account~~ RMCA.

The board shall adopt such rules as it deems necessary and proper for the purpose of carrying out the provisions of RCW 79.64.010 through 79.64.070.

[1983 c 3 § 203; 1961 c 178 § 6.]

RCW 79.64.070 Severability--1961 c 178.

If any provision of RCW 79.64.010 through 79.64.070, or its application to any person or circumstance is held invalid, the remainder of RCW 79.64.010 through 79.64.070, or the application of the provision to other persons or circumstances is not affected.

[1983 c 3 § 204; 1961 c 178 § 7.]

RCW 79.64.090 Agricultural college trust management account--Creation.

The agricultural college trust management account is created in the state treasury. To ~~the~~ this account shall be deposited such funds as the legislature directs or appropriates. Moneys in the agricultural college trust account may be spent only after appropriation. Expenditures from ~~the this~~ this account may be used only for the costs of managing the assets of the agricultural school trust.

[1999 c 279 § 3.]

Notes:

Effective date--1999 c 279: See note following RCW 79.64.030.

**PART II
State Forest Lands**

RCW ~~76.12.110~~ 79.64.100 Forest development account (FDA).

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the forest development account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department under RCW 79.22.080, 79.22.090 and the provisions of this chapter, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW ~~79.68.040~~ 79.10.320, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands. ~~For the 1999-2001 fiscal biennium, moneys from the account shall be distributed as directed in the omnibus appropriations act to the beneficiaries of the revenues derived from state forest lands. Funds that accrue to the state from such a distribution shall be deposited into the salmon recovery account. These funds shall be used for a grant program for cities and counties for the preservation and restoration of riparian, marine, and estuarine areas.~~

[2000 2nd sp.s. c 1 § 915; 1999 sp.s. c 13 § 18; 1998 c 347 § 55; 1988 c 128 § 31; 1985 c 57 § 75; 1977 ex.s. c 159 § 1; 1959 c 314 § 1; 1951 c 149 § 1; 1933 c 118 § 2; 1923 c 154 § 6; RRS § 5812-6.]

Notes:

Severability--Effective date--2000 2nd sp.s. c 1: See notes following RCW 41.05.143.

Severability--Effective date--1999 sp.s. c 13: See notes following RCW 77.85.005.

Effective date--1998 c 347: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 3, 1998]." [1998 c 347 § 56.]

Effective date--1985 c 57: See note following RCW 18.04.105.

NEW SECTION 79.64.110 Revenue distribution.

Any moneys derived from the lease of state forest lands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:

(1) State forest lands acquired through RCW 79.22.040 or by exchange for lands acquired through 79.22.040:

(a) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board of natural resources, ~~shall~~ must be returned to the FDA in the state general fund.

(b) Any balance remaining ~~shall~~ must be paid to the county in which the land is located to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment.

(c) Any balance remaining, paid to a county with a population of less than sixteen thousand, ~~shall~~ must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

{76.12.030}

[1997 c 370 § 1; 1991 c 363 § 151; 1988 c 128 § 24; 1981 2nd ex.s. c 4 § 4; 1971 ex.s. c 224 § 1; 1969 c 110 § 1; 1957 c 167 § 1; 1951 c 91 § 1; 1935 c 126 § 1; 1927 c 288 § 3, part (adding a new section to 1923 c 154 § 3b); RRS § 5812-36.]

Notes:

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Severability--1981 2nd ex.s. c 4: See note following RCW 43.85.130.

(d) With regard to moneys remaining under this ~~sub-section~~ subsection (1), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

{76.12.033}

[1998 c 71 § 1.]

(2) State forest lands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(a) Fifty percent shall be placed in the ~~FDA~~ forest development account.

(b) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county shall be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

{76.12.120}

[2000 c 148 § 2; 1998 c 71 § 2. Prior: 1988 c 128 § 32; 1988 c 70 § 1; 1980 c 154 § 11; 1971 ex.s. c 123 § 4; 1955 c 116 § 1; 1953 c 21 § 1; 1923 c 154 § 7; RRS § 5812-7.]

Notes:

Purpose--Effective dates--Savings--Disposition of certain funds--Severability--1980 c 154: See notes following chapter 82.45 RCW digest.

Christmas trees--Cutting, breaking, removing: RCW 79.40.070 and 79.40.080.

RCW 79.12.035 79.64.120 Retirement of interfund loans--Transfer of timber cutting rights on ~~forest board purchase lands~~ state forest lands acquired under RCW 79.22.010 to the federal land grant trusts--Distribution of revenue from timber management activities.

(1) The department of ~~natural resources~~ is authorized to:

(a) Determine the total present account balance with interest of the interfund loans made by the resource management cost account to the forest development account in accordance with generally accepted accounting principles;

(b) Subject to approval of the board of ~~natural resources~~, effectuate a transfer of timber cutting rights on ~~forest board purchase lands~~ state forest lands acquired under RCW 79.22.010 to the federal land grant trusts in such proportion that each trust receives full and fair market value for the interfund loans and is fully repaid or so much thereof as possible within distribution constraints described in subsection (2) of this section.

(2) After the effective date of the transfer authorized by subsection (1) (b) of this section and until the exercise of the cutting rights on the timber transferred has been fully satisfied, the distribution of revenue from timber management activities on ~~forest board purchase lands~~ state forest lands acquired under RCW 79.22.010 on which cutting rights have been transferred shall be as follows:

(a) As determined by the board of ~~natural resources~~, an amount no greater than thirty-three and three-tenths percent to be distributed to the federal land grant trust accounts and resource management cost account as directed by RCW 79.64.040 and 79.64.050;

(b) As determined by the board of ~~natural resources~~, an amount not less than sixteen and seven-tenths percent to the forest development account;

(c) Fifty percent to be distributed as provided in RCW ~~76.12.120(2)~~ 79.64.110 (2)(b).

{forest "board purchase" lands, as used here, refers to lands acquired under RCW 79.22.010 – see RCW 79.02.010}

[1988 c 70 § 3.]

Notes:

Purpose--1988 c 70 § 3: "The purpose of RCW 79.12.035 is to provide a means to retire interfund loans authorized by RCW 79.64.030 from the resource management cost account to the forest development account. The resource management cost account is an asset of the federal land grant trusts. Section 3 of this act is intended to authorize a process by which the interfund loans may be repaid such that the federal land grant trusts will receive full fair market value without disruption in income to counties and the state general fund from management activities on state forest lands managed pursuant to chapter 79.12 RCW." [1988 c 70 § 2.]